

AMENDED IN SENATE JULY 11, 2005

SENATE BILL

No. 1011

Introduced by Senator Florez

February 22, 2005

~~An act to amend Section 51220 of the Education Code, relating to career technical education. An act to add Section 8880.24.5 to the Government Code, relating to the California State Lottery, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1011, as amended, Florez. ~~High school graduation requirements: career technical education. California State Lottery.~~

(1) *The California Constitution prohibits lotteries and the sale of lottery tickets. However, the California State Lottery Act of 1984, enacted by initiative, authorizes a California State Lottery, to be operated and administered by the California State Lottery Commission and the Director of the California State Lottery, with certain limitations. The act requires that at least 50% of lottery revenues be returned to the public in the form of prizes, at least 34% be allocated to benefit public education, and no more than 16% be allocated for lottery expenses.*

Existing law requires the California State Lottery Commission to exercise all powers necessary to effectuate the purposes of the California State Lottery Act of 1984. Existing law further requires the commission to promote and ensure the integrity, security, honesty, and fairness in the operation and administration of the state lottery.

This bill would authorize the commission to enter into a multistate lottery agreement under specified conditions, including a provision that not less than 45% of revenue from participation in any multistate lottery game be allocated to benefit public education. The bill would

prohibit the commission from conducting or joining any international lottery, any Internet-based lottery, or any lottery using a mechanical or electronic device that is similar to a slot machine, unless approved by a majority vote of the electorate.

(2) The California State Lottery Act of 1984 provides that none of its provisions may be changed, except to further its purpose by a bill passed by a 2/3 vote of each house of the Legislature and signed by the Governor.

This bill would declare that its provisions further the purposes of the act.

(3) The bill would include a statement of Legislative finding and declarations.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires school districts to adopt a course of study for grades 7 to 12, inclusive, that includes career technical education.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~
yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares the*
2 *following:*

3 *(a) The people of California, on November 6, 1984, passed*
4 *Proposition 37, an initiative measure to amend the California*
5 *Constitution to authorize the establishment of the California*
6 *State Lottery.*

7 *(b) The express purpose of the California Lottery is to provide*
8 *additional funds to education without the imposition of*
9 *additional or increased taxes.*

10 *(c) Proposition 37 established a detailed statutory scheme for*
11 *governing the lottery's conduct by enacting the California State*
12 *Lottery Act of 1984, commonly known as the Lottery Act. It*
13 *created the Lottery Commission to promote and ensure the*
14 *integrity, security, honesty and fairness in the operation and*
15 *administration of the lottery.*

16 *(d) On February 8, 2005 the California State Lottery*
17 *Commission voted to entered into a contract with other state*

1 *lotteries to join Mega Millions - a multistate lottery - even though*
2 *there is no provision of the Lottery Act that expressly authorizes*
3 *the participation of the California State Lottery in a multistate or*
4 *multinational lottery.*

5 *(e) The California State Lottery, is one of the only two state*
6 *lotteries, out of the twelve Mega Million members which does not*
7 *have express statutory authority to enter into a multistate lottery*
8 *agreement; the other state lottery, New Jersey, has provided*
9 *broad statutory powers to the commission of the state lottery.*

10 *(f) The legal foundation underpinning the Commission's*
11 *decision to enter into a multistate lottery game is in question. A*
12 *complaint has been filed in state court against the Lottery's*
13 *participation in Mega Millions (California Coalition Against*
14 *Gambling Expansion, et al. vs. California State Lottery*
15 *Commission, et al.), alleging that the Lottery Commission is not*
16 *authorized to participate in the Mega Millions game because that*
17 *participation was not approved by the Legislature, and otherwise*
18 *violates the Lottery Act in that the Commission cedes substantial*
19 *control over the game to outside persons. The filing of the*
20 *lawsuit caused immediate controversy, including editorials*
21 *(particularly from the Los Angeles Daily News) calling for*
22 *legislative action.*

23 *(g) Section 5 of the Lottery Act provides that "no provision of*
24 *this Act may be changed except to further its purpose by a bill*
25 *passed by a vote of two-thirds of the membership of both houses*
26 *of the Legislature and signed by the Governor."*

27 *(h) Given the lottery's strict regulatory scheme, the lack of*
28 *expressed statutory authority to enter into a multistate lottery*
29 *agreement and facing a compelling legal complaint, the Lottery*
30 *Commission has placed the integrity and reputation of the*
31 *California Lottery in jeopardy.*

32 *(i) In order to protect the integrity and reputation of the*
33 *California State Lottery from further controversy or future legal*
34 *complaints, it is necessary for the Lottery Act to be amended to*
35 *provide the California State Lottery with express statutory*
36 *authority to enter into a multistate lottery game and to set forth*
37 *the conditions for such an agreement.*

38 *SEC. 2. Section 8880.24.5 is added to the Government Code,*
39 *to read:*

1 8880.24.5. (a) *The commission may enter into a multistate*
2 *lottery agreement if all of the following conditions are met:*

3 (1) *Notwithstanding Section 8880.4, the revenue from*
4 *participation in any multistate lottery game is allocated as*
5 *follows:*

6 (A) *Not less than 45 percent to benefit public education.*

7 (B) *Not less than 50 percent to the public in the form of prizes.*

8 (C) *Not more than 5 percent for payment of administrative*
9 *costs related to participation.*

10 (2) *The multistate lottery does not conduct any activity*
11 *prohibited in subdivision (b).*

12 (b) *The commission may not conduct, or join any other lottery*
13 *or organization that conducts, any of the following games*
14 *without a majority vote of the electorate:*

15 (1) *An international lottery.*

16 (2) *An Internet-based lottery.*

17 (3) *A lottery using any mechanical or electronic device that is*
18 *similar in appearance or operation to a slot machine, as defined*
19 *in subdivision (b) of Section 330b of the Penal Code.*

20 SEC. 3. *The Legislature finds and declares that this act*
21 *furtheres the purposes of the California State Lottery Act of 1984,*
22 *enacted by Proposition 37 at the November 6, 1984, general*
23 *election.*

24 SEC. 4. *This act is an urgency statute necessary for the*
25 *immediate preservation of the public peace, health, or safety*
26 *within the meaning of Article IV of the Constitution and shall go*
27 *into immediate effect. The facts constituting the necessity are:*

28 *In order to protect the integrity of the California State Lottery,*
29 *and in an effort to ensure that California's schools make full use*
30 *of the revenues received from the Mega Millions multistate*
31 *lottery game, it is necessary that this act take effect immediately.*

32 ~~SECTION 1. Section 51220 of the Education Code is~~
33 ~~amended to read:~~

34 ~~51220. The adopted course of study for grades 7 to 12,~~
35 ~~inclusive, shall offer courses in the following areas of study:~~

36 ~~(a) English, including knowledge of and appreciation for~~
37 ~~literature, language, and composition, and the skills of reading,~~
38 ~~listening, and speaking.~~

39 ~~(b) Social sciences, drawing upon the disciplines of~~
40 ~~anthropology, economics, geography, history, political science,~~

1 psychology, and sociology, designed to fit the maturity of the
2 pupils. Instruction shall provide a foundation for understanding
3 the history, resources, development, and government of
4 California and the United States of America; instruction in our
5 American legal system, the operation of the juvenile and adult
6 criminal justice systems, and the rights and duties of citizens
7 under the criminal and civil law and the State and Federal
8 Constitutions; the development of the American economic
9 system, including the role of the entrepreneur and labor; the
10 relations of persons to their human and natural environment;
11 eastern and western cultures and civilizations; human rights
12 issues, with particular attention to the study of the inhumanity of
13 genocide, slavery, and the Holocaust, and contemporary issues.

14 (e) Foreign language or languages, beginning not later than
15 grade 7, designed to develop a facility for understanding,
16 speaking, reading, and writing the particular language.

17 (d) Physical education, with emphasis given to physical
18 activities that are conducive to health and to vigor of body and
19 mind, as required by Section 51222.

20 (e) Science, including the physical and biological aspects, with
21 emphasis on basic concepts, theories, and processes of scientific
22 investigation and on the place of humans in ecological systems,
23 and with appropriate applications of the interrelation and
24 interdependence of the sciences.

25 (f) Mathematics, including instruction designed to develop
26 mathematical understandings, operational skills, and insight into
27 problem-solving procedures.

28 (g) Visual and performing arts, including dance, music,
29 theater, and visual arts, with emphasis upon development of
30 aesthetic appreciation and the skills of creative expression.

31 (h) Applied arts, including instruction in the areas of consumer
32 and homemaking education, industrial arts, general business
33 education, or general agriculture.

34 (i) Career technical education, designed and conducted for the
35 purpose of preparing youth for gainful employment in the
36 occupations and in the numbers that are appropriate to the
37 personnel needs of the state and the community served and
38 relevant to the career desires and needs of the pupils.

39 (j) Automobile driver education, designed to develop a
40 knowledge of the provisions of the Vehicle Code and other laws

- 1 ~~of this state relating to the operation of motor vehicles, a proper~~
2 ~~acceptance of personal responsibility in traffic, a true~~
3 ~~appreciation of the causes, seriousness, and consequences of~~
4 ~~traffic accidents, and to develop the knowledge and attitudes~~
5 ~~necessary for the safe operation of motor vehicles. A course in~~
6 ~~automobile driver education shall include education in the safe~~
7 ~~operation of motoreycles.~~
8 (k) ~~Other studies as may be prescribed by the governing board.~~